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Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2861

PATENT
ATTORNEY DOCKET NO.: 041514-5116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Keiichi ONODERA et al.

Application No.: 09/817,895

Filed: March 28, 2001

For: INFORMATION RECORDING SYSTEM
AND INFORMATION RECORDING
METHOD

Confirmation No.: 9524

Group Art Unit: 2861

Examiner: H.C. Pham

Mail Stop AF

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop AF
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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TC 2800

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment in response to the Final Office Action dated July 9, 2004 (Paper No. 10) and the Advisory Action dated November 22, 2004.
2. Additional papers enclosed:

- ☐ Submission of Replacement Drawing Sheets
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, _____ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input checked="" type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

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Extension of time fee due with this request: \$ 340.00 (see below).

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ An extension for 1 month has already been secured on November 8, 2004 and the fee paid therefor of \$110.00 is deducted from the total fee due for the total months of extension now requested. Accordingly, the extension of time fee due with this request is: \$340.00 (\$450.00 - \$110.00).

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

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5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	24	minus	41	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	11	minus	13	0	x \$200 each =	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge Deposit Account No. 50-0310 in the amount of **\$340.00** for the difference between the two-month extension of fee of \$450.00 and the one-month extension of time fee of \$110.00 already paid in this application on November 8, 2004.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Paul A. Fournier
Reg. No. 41,023

Dated: December 9, 2004

By:

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AMENDMENT UNDER 37 C.F.R. § 1.116

In response to the Final Office Action dated July 9, 2004 (Paper No. 10) and the Advisory Action dated November 22, 2004, the period for response to which has been extended through December 9, 2004, by the request for a two-month extension of time and corresponding fee filed concurrently herewith, entry of the following amendments is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal:

12/10/2004 SSITHIB1 00000096 500310 09817895

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